

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIA DUNLAP-HURDEN,

Plaintiff,

Case No. 09-CV-11123

v.

Honorable John Corbett O'Meara

MAHLE, INC; MAHLE INDUSTRIES, INC;
MAHLE POWERTRAIN, LLC; and MAHLE
TECHNOLOGY, INC.,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Dania Dunlap-Hurden filed a four-count complaint against defendants Mahle, Inc., Mahle Industries, Inc.; Mahle Powertrain, LLC.; and Mahle Technology, Inc., alleging the following causes of action: Count I, violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) et seq; Count II, violations of the anti-retaliation provision of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3; Count III, violations of Michigan's Elliot Larsen Civil Rights Act ("ELCRA"), Mich. Comp. Laws Ann. §§ 37.2101, et seq.; and Count IV, retaliation under the ELCRA.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367 (c). Accordingly, it is hereby **ORDERED** that Counts III and IV are **DISMISSED**.

s/John Corbett O'Meara

United States District Judge

Date: April 24, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 24, 2009, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager